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WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP  
BRADFORD GREEN, BUILDING 5  
755 MAIN STREET, P O BOX 224  
MONROE, CT 06468

EXAMINER

YOUNG, JANELLE N

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2618

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/785,423	Applicant(s) FLECK ET AL.	
	Examiner Janelle N. Young	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.  
     4a) Of the above claim(s) 1-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                 | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed June 25, 2007 have been fully considered but they are not persuasive.

The applicant argues that Frouin fails to disclose or suggest transferring a data collector from a destination communication device to a source communication device, collecting data to be transferred from the source communication device to the destination communication device using the data collector, and transferring the collected data from the source communication device to the destination communication device using the data collector. Applicant defines the term "data collector" as recited in claim 22 refers to a program, which may be transferred from the destination communication device to the source communication device. For example, this program may be a java applet or a java application, and may be installed on the communication device. Once installed, the data collector is programmed to collect data on the source communication device. For example, this data may be calendar entries, contacts, messages, settings, and other information regarding the source communication device. The data collector allows transferring the collected data from the source communication device to the destination communication device.

However, Frouin discloses the communication tools taking into account the description of the application requirements established by the application or the peripheral, which sends the message, during operating (Col. 1, lines 30-41 & 60-64;

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Col. 2, lines 2-7; Col. 4, lines 24-65; Col. 8, lines 27-41; Col. 8, line 60-Col. 9, line 2; Col. 10, lines 37-55; Col. 11, line 35-Col. 12, line 40; Col. 13, lines 38-57; Col. 18, line 18-Col. 19, line 40; and Col. 34, lines 22-29 & 56-67). The applications are interpreted to read on claimed data collector.

### ***Claim Objections***

2. Claims 43- 47 objected to because of the following informalities: "data collector means" should be "data collector". Appropriate correction is required.

### ***Response to Amendment***

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 22-51 are rejected under 35 U.S.C. 102(e) as being anticipated by Frouin (US Patent 6891797).

As for claim 22 (new), Frouin teaches a method for transferring data from a source communication device to a destination communication device (Abstract; Col. 1, lines 8-14; and Col. 21, lines 9-31), comprising:

establishing a data connection between the source communication device and the destination communication device (Col. 5, lines 10-25; Col. 14, lines 52-67; Col. 19, lines 46-62; and Col. 20, lines 44-57);

transferring a data collector from the destination communication device to the source communication device (Col. 3, lines 20-31; Col. 7, line 59-Col. 8, line 21; Col. 13, line 58-Col. 14, line 19; Col. 14, lines 52-67; Col. 19, lines 46-62; and Col. 23, line 59-Col. 34, line 5);

collecting data to be transferred from the source communication device to the destination communication device using the data collector (Col. 13, line 24-Col. 14, line 67); and

transferring the collected data from the source communication device to the destination communication device using the data collector (Col. 7, line 59-Col. 8, line 21; Col. 8, line 42-Col. 8, line 6; Col. 11, line 35-Col. 12, line 40; and Col. 13, line 24-Col. 14, line 31).

**Note:** Frouin discloses the communication tools taking into account the description of the application requirements established by the application or the peripheral, which sends the message, during operating (Col. 1, lines 30-41 & 60-64; Col. 2, lines 2-7; Col. 4, lines 24-65; Col. 8, lines 27-41; Col. 8, line 60-Col. 9, line 2; Col. 10, lines 37-55; Col. 11, line 35-Col. 12, line 40; Col. 13, lines 38-57; Col. 18, line 18-Col. 19, line 40; and Col. 34, lines 22-29 & 56-67). The applications are interpreted to read on claimed data collector.

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As for claim 23 (new), Frouin teaches a method for transferring data from a source communication device to a destination communication device, wherein a migration tools within the destination communication device migrates the transferred data into the destination communication device by translating the transferred data into a data format of the destination communication device (Col. 10, lines 37-55).

As for claim 24 (new), Frouin teaches a method for transferring data from a source communication device to a destination communication device, wherein the data connection is a connected mode and non-connected mode; which reads on claimed wired or wireless connection (Abstract; Col. 4, lines 43-62; and Col. 9, lines 41-63).

As for claim 25 (new), Frouin teaches a method for transferring data from a source communication device to a destination communication device, wherein the collected data is transferred from the source communication device to the destination communication device using a standard data format (Col. 3, lines 19-30 and Col. 33, lines 19-23).

As for claim 26 (new), Frouin teaches a method for transferring data from a source communication device to a destination communication device, wherein the data collector translates the collected data into the standard data format, wherein the data collector transfers the translated data to the destination communication device using the data connection, and wherein the transferred data is translated from the standard format into a destination communication device specific format using a migration tools (Col. 10, lines 37-55).

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As for claim 27 (new), Frouin teaches a method for transferring data from a source communication device to a destination communication device, wherein after establishing the data connection between the source communication device and the destination communication device, the source communication device is identified (Col. 20, lines 44-57 and Col. 27, line 58-Col. 28, line 55).

As for claim 28 (new), Frouin teaches a method for transferring data from a source communication device to a destination communication device, wherein the source communication device is identified by requesting a type identification and/or a capability object of the source communication device (Col. 13, line 58-Col. 14, line 19).

As for claim 29 (new), Frouin teaches a method for transferring data from a source communication device to a destination communication device, wherein the migration tools provides at least one data collector for a particular source communication device, and wherein after identifying the source communication device a compatibility between the source communication device and the at least one provided data collector is checked (Col. 5, lines 26-31; Col. 9, lines 10-13; Col. 13, line 58-Col. 14, line 67; Col. 25, lines 6-14; and Col. 34, lines 55-67).

As for claim 30 (new), Frouin teaches a method for transferring data from a source communication device to a destination communication device, wherein in case none of the at least one provided data collector is compatible with the identified source communication device, a compatible data collector is loaded onto the destination communication device (Col. 13, lines 20-38 and Col. 15, lines 22-27).

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As for claim 31 (new), Frouin teaches a method for transferring data from a source communication device to a destination communication device, wherein a communication connection is established between the destination communication device and a server to download a compatible data collector for the identified source communication device from the server onto the destination communication device (Col. 10, line 59-Col. 11, line 29; Col. 13, line 24-Col. 14, line 31; Col. 20, lines 1-16; and Col. 20, line 33-Col. 21, line 46).

As for claim 32 (new), Frouin teaches a method for transferring data from a source communication device to a destination communication device, wherein the data collector is an executable file (Col. 1, lines 16-40; Col. 18, lines 51-55; Col. 19, lines 19-21; and Col. 34, lines 10-21).

As for claim 33 (new), Frouin teaches a method for transferring data from a source communication device to a destination communication device, wherein the data collector enables access to data within the source communication device (Col. 5, lines 10-26 and Col. 10, lines 30-37).

As for claim 34 (new), Frouin teaches a method for transferring data from a source communication device to a destination communication device, wherein the destination communication device controls the data collector (Col. 15, lines 22-27; Col. 20, lines 17-32; Col. 21, lines 9-31; and Col. 22, lines 38-53).

As for claim 35 (new), Frouin teaches a method for transferring data from a source communication device to a destination communication device, wherein the



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migration tools within the destination communication device controls the data collector (Col. 10, lines 37-55 and Col. 13, line 58-Col. 14, line 67).

As for claim 36 (new), Frouin teaches a method for transferring data from a source communication device to a destination communication device, wherein the data collector is executed on the source communication device according to security rules within the source communication device (Col. 2, lines 21-26; Col. 3, lines 32-44; and Col. 20, line 33-Col. 21, line 46).

As for claim 37 (new), Frouin teaches a method for transferring data from a source communication device to a destination communication device, wherein the data collector collects available data types within the source destination communication device, wherein information on the available data types is transferred from the source communication device to the destination communication device, wherein from the available data types, data types can be selected by a user, and wherein only data of the selected data types is collected by the data collector (Col. 15, line 54-Col. 16, line 28).

As for claim 38 (new), Frouin teaches a method for transferring data from a source communication device to a destination communication device, wherein the available data types are presented to a user for user selection via a user interface of the destination communication device (Col. 15, line 54-Col. 16, line 28).

Regarding claim 39 (new), see explanation as set forth regarding claim 22 (method claim) because the claimed system for transferring data from a source communication device to a destination communication device would perform the method steps.

Regarding claim 40 (new), see explanation as set forth regarding claim 22 (method claim) because the claimed communication device for receiving/collecting data from a source communication device to a destination communication device would perform the method steps.

Regarding claim 41 (new), see explanation as set forth regarding claim 22 (method claim) because the claimed communication device for transferring data from a source communication device to a destination communication device would perform the method steps.

Regarding claim 42 (new); see explanation as set forth regarding claim 22 (method claim) because the claimed computer program for transferring data from a source communication device to a destination communication device would perform the method steps.

Regarding claim 43 (new), see explanation as set forth regarding claim 22 (method claim) because the claimed method for transferring data from a source communication means to a destination communication means using the data collector means would perform the method steps.

Regarding claim 44 (new), see explanation as set forth regarding claim 22 (method claim) because the claimed system for transferring data from a source communication device to a destination communication device using the data collector means would perform the method steps.

Regarding claim 45 (new), see explanation as set forth regarding claim 22 (method claim) because the claimed communication device for receiving/collecting data

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from a source communication means to a destination communication means using the data collector means would perform the method steps.

Regarding claim 46 (new), see explanation as set forth regarding claim 22 (method claim) because the claimed communication device for transferring data from a source communication means to a destination communication means using the data collector means would perform the method steps.

Regarding claim 47 (new), see explanation as set forth regarding claim 22 (method claim) because the claimed computer program for transferring data from a source communication device to a destination communication device using the data collector means would perform the method steps.

As for claim 48 (New), Frouin teaches a method comprising:

establishing a data connection between the source communication device and the destination communication device (Col. 5, lines 10-25; Col. 14, lines 52-67; Col. 19, lines 46-62; and Col. 20, lines 44-57),

identifying the source communication device with a migration tool of the destination communication device after establishing the data connection between the source communication device and the destination communication device (Col. 18, line 56-Col. 19, line 18; Col. 23, lines 36-56; and Col. 27, line 57-Col. 28, line 55),

selecting a data collector depending on the identified source communication device (Col. 10, lines 37-58 and Col. 13, lines 32-57),

transferring a data collector from the destination communication device to the source communication device (Col. 3, lines 20-31; Col. 7, line 59-Col. 8, line 21; Col. 13, line 58-Col. 14, line 19; Col. 14, lines 52-67; Col. 19, lines 46-62; and Col. 23, line 59-Col. 34, line 5),

collecting data to be transferred from the source communication device to the destination communication device using the data collector (Col. 13, line 24-Col. 14, line 67), and

transferring the collected data from the source communication device to the destination communication device using the data collector (Col. 7, line 59-Col. 8, line 21; Col. 8, line 42-Col. 8, line 6; Col. 11, line 35-Col. 12, line 40; and Col. 13, line 24-Col. 14, line 31).

As for claim 49 (New), Frouin teaches a system comprising:

a destination communication device, and a source communication device, the destination communication device and the source communication device comprising communication units to establish a data connection (Abstract; Col. 1, lines 8-14; and Col. 21, lines 9-31),

the destination communication device comprises:

a migration tool arranged for identifying the source communication device after establishing the data connection between the destination communication device and the source communication device (Col. 5, lines 26-31; Col. 9, lines 10-13; Col. 10, lines 37-55; Col. 13, line 58-Col. 14, line 67; Col. 25, lines 6-14; and Col. 34, lines 55-67), and

for selecting a data collector depending on the identified source communication device (Col. 10, lines 37-58 and Col. 13, lines 32-57), wherein the communication unit is arranged for transferring the selected data collector from the destination communication device to the source communication device, and

the source communication device comprising:

an operating environment to run the selected data collector for collecting data to be transferred from the source communication device to the destination communication device and for transferring the collected data from the source communication device to the destination communication device (Abstract; Col. 4, lines 17-65; and Col. 17, line 53-Col. 19, line 40).

As for claim 50 (New), Frouin teaches a communication device comprising:

a migration tool arranged for identifying the source communication device after establishing a data connection between the destination communication device and the source communication device, and for selecting a data collector depending on the identified source communication device, (Abstract; Col. 1, lines 8-14; and Col. 21, lines 9-31)

a communication unit to establish a data connection with the source communication device, and arranged for transferring the selected data collector from the destination communication device to the source communication device

(Col. 10, lines 37-58 and Col. 13, lines 32-57 in respect to Col. 5, lines 10-25; Col. 14, lines 52-67; Col 19, lines 46-62; and Col. 20, lines 44-57).

Regarding claim 51 (new), see explanation as set forth regarding claim 49 (method claim) because the claimed computer program for transferring data from a source communication device to a destination communication device would perform the method steps.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Takiyasu et al. (US Patent 5113392) teaches a communication apparatus used in transmission systems wherein bursty information (or messages) such as LAN frames and packet frames are segmented into packets of a single fixed length or multiple fixed lengths, and a plurality of packets are multiplexed and transmitted to a transmission line. This invention particularly relates to the apparatus structure for reassembling received packets into the original transmitted information and to the reassembling method.

Taguchi et al. (US Patent 6226385) teaches an encryption communication system in which the respective encrypt apparatuses for relaying communication data among communication terminals installed in a communication network perform encryption communications after learning own encrypt keys.

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Oguchi (US Pub 20020023152) teaches a technology in a relay system for relaying communication data between a plurality of domains by an address translation, is capable of executing, even when there are both streams of inter-domain and intra-domain communications, the communications with security ensured without setting a complicated packet filter between the domains, and routing a packet at a high speed within the domain.

Shaffer et al. (US Patent 6373940) teaches a communication system for transmitting address changes. A communication system includes a source communication system and one or more destination communication systems, each of which is identified by a unique number or address. A memory in the source communication system maintains a record of each destination communication system that communicates with it. If the number or address of the source communication is changed, the source communication system generates a new number or address message, which is transmitted to each of the destination communication systems. The destination communication systems receive the new number or address message and update a memory to reflect the new number or address of the source communication system. Those destination systems that are able to read the new number or address message and update a record of the number or address for the source communication system generate an acknowledge signal which is transmitted to the source communication system. The source communication system may transmit a human readable new number or address message to those destination communication systems

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that have not transmitted the acknowledge signal. The communications systems may comprise telephones, facsimile machines or computers having e-mail or IP addresses.

Hardjono (US Patent 6425004) teaches a technique for detecting and locating a misbehaving router divides the network domain into multiple sectors and uses a two-level authentication scheme to allow a receiving device to authenticate that a particular packet originated in a particular sector. More specifically, an originating device includes a sector tag and a device tag in the packet. The sector tag is computed using a sector key known to all devices in the network domain, and allows any receiving device to authenticate the originating sector for the packet. The device tag is computed using a device key known only to the device and to a secure and trusted authority within the same sector. Upon receiving the packet, a receiving device authenticates the packet by computing a sector verification tag and comparing the sector verification tag to the sector tag in the packet. If the sector verification tag does not match the sector tag in the packet, then the receiving device drops the packet. If the sector verification tag matches the sector tag in the packet, but the packet includes invalid data, then the receiving device forwards the packet to a secure and trusted authority in the receiving sector. The secure and trusted authority in the receiving sector forwards the packet to other secure and trust authorities in other sectors. Each secure and trusted authority that receives the packet is able to determine whether any device in its sector is the originating device for the packet by computing device verification tags for each device in the sector and comparing the device verification tags to the device tag in the packet.



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Morita et al. (US Pub 20040114575) teaches a switching system that switches audio calls, etc., carried out in real time between communication terminals via the Internet, a LAN, or the like, and more particularly to a method for achieving efficiency of processing for putting a call on hold while in progress, transferring a call to another communication terminal, and so forth.

Sugaya (US Pub 20040114521) teaches a wireless communication system and wireless communication control method, a wireless communication device and wireless communication method, and a computer program for communicating between multiple wireless stations as in a wireless LAN (Local Area Network). More particularly, the present invention relates to a wireless communication system and wireless communication control method, a wireless communication device and wireless communication method, and a computer program for configuring a wireless network by ad-hoc communication without installing a particular device serving as the control station.

Terao et al. (US Patent 7085382) teaches a communication device which can be freely inserted into and extracted from a slot of a terminal device has its part exposed from the terminal device when inserted into the slot applied a color according to a kind of the communication device and includes a radio unit adapted to a predetermined mobile communication service, applied a color according to a kind of the mobile communication service and storing information necessary for the connection to a specific provider.

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5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janelle N. Young whose telephone number is (571) 272-2836. The examiner can normally be reached on Monday through Friday: 8:30 am through 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JNY

September 5, 2007

  
**NAY MAUNG**  
**SUPERVISORY PATENT EXAMINER**